

Serial No. 10/791,541
Art Unit 1774

Amendment B - After Final

Remarks:

Responsive to the Official Action mailed September 26, 2005, Applicant respectfully requests reconsideration, reexamination and allowance of claims 1-12 in view of the above amendments and the following remarks.

The Examiner has continued the rejection of claims 1-12 under 35 U.S.C. §103(a) as unpatentable over Young, U.S. Patent No. 4,861,644 in view of Schultz, U.S. Patent No. 6,825,279. The Examiner's position is that although Young fails to disclose a layer of a film forming polymer between the substrate and the ink, Schultz discloses a printable media having an image receptive layer (binder) on the substrate. The Examiner maintains that Young and Schultz are analogous art and that it would have been obvious to one of skill in the art to combine the image receptive layer of Schultz with the "invention" of Young to capture most of the ink colorant near a first major surface of the ink receptive layer while allowing most of a fluid vehicle of the ink to pass through the ink receptive layer.

Applicant has amended claim 1 to more clearly recite that the present label is a non-overcoated in-mold label composition that includes a microporous sheet substrate having first and second faces, a first down coat of a film-forming polymer on the first face of the microporous sheet substrate and a graphic printed on the first down coat of film-forming polymer.

Applicant submits that neither Young, nor Schultz, nor a combination of these references disclose or make obvious the claimed invention. First and foremost, the present invention is directed to an in-mold label, or a label that is placed in a mold (prior to introduction of plastic) to provide a graphic or indicia in the molded article. Even assuming that the Young and Schultz references are analogous art (which applicant does not concede), they still fail to show the claimed non-overcoated label composition.

As pointed out earlier, Young fails to disclose the film forming polymer layer. The Examiner has, however, applied the disclosure of Schultz, specifically, the ink receptive layer, to assert that the present claims would have been obvious to one of skill in the art.

Applicant respectfully traverses this rejection. Referring to Schultz, it discloses a substrate 22, a laminate 24, an ink receptive layer 26 and images 34 disposed on the ink receptive layer (see,

Serial No. 10/791,541
Art Unit 1774

Amendment B - After Final

col. 3, lines 1-5). A second embodiment of the media disclosed in Schultz is structured having a substrate 122, a laminate 124, an ink receptive layer 126, top and bottom layers 132, 134 (see, col. 3, lines 14-45).

In both of these embodiments, the media requires an overcoat over the printing or graphic (which is referred to as the laminate 24) to assist in bonding the ink to the substrate. Specifically, Schultz provides that:

It is believed that an ink receptive layer 26 in accordance with these preferred embodiments may allow material from the laminate 24 to flow through ink receptive layer 26 and bond to substrate 22. (Schultz, col. 6, lines 16-19.)

Accordingly, the laminate portion (24) or overcoat is a necessary portion of the media of Schultz and the media would not function as intended without such an overcoat.

This is in complete contrast to the present invention which is directed to a non-overcoated label composition. In fact, the present invention overcomes some of the problems with prior known overcoated compositions. Specifically, the present non-overcoated label composition reduces the time and costs (specifically, labor time and costs) necessary for producing the overcoated product.

Moreover, the present label composition provides a high quality graphic with less layering within the mold. Whether the label structure of Schultz would provide an in-mold label, nonetheless a high quality label is unknown. Regardless, the presently claimed invention (which eliminates any over-coat) provides a lower cost, high quality graphic for molding applications that specifically does not include an overcoat. This is not the product disclosed in, nor taught by the Young and/or Schultz references.

Accordingly, Applicant submits that pending claims 1-12 are allowable over the art of record in that the Examiner has failed to make a prima facie showing of obviousness, and respectfully requests that the present application is allowable over the art of record, for which early indication is earnestly solicited.

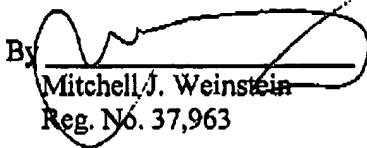
Applicant believes that no fee is due in connection with the present Amendment B After Final. The Commissioner is, however, authorized to charge any underpayment or credit any overpayment to Deposit Account No. 23-0920.

Serial No. 10/791,541
Art Unit 1774

Amendment B - After Final

Should the Examiner believe that a telephone interview would expedite prosecution and allowance of the present application, or address any outstanding formal issues, he is respectfully requested to contact the undersigned.

Respectfully submitted,

By 
Mitchell J. Weinstein
Reg. No. 37,963

November 28, 2005
WELSH & KATZ, LTD.
120 South Riverside Plaza, 22nd Floor
Chicago, Illinois 60606
(312) 655-1500 Telephone
(312) 655-1501 Facsimile